

May 1, 2013

Dear Store Operator:

Recently, the City of Glendale adopted an ordinance banning single use plastic carryout bags and imposing a ten (10) cent charge on recyclable paper carryout bags. The Plastic Carryout Bag Ban Ordinance will be implemented in two phase:

- **July 1, 2013** - Farmer's markets, larger grocers and food marts with gross annual sales of \$2,000,000 or more and stores of at least 10,000 square feet of retail space that have a licensed pharmacy are prohibited from providing plastic carryout bags. Stores are required to charge ten (10) cents for each recyclable paper carryout bag provided to a customer for the purpose of carrying purchased goods away from the store. (No store shall rebate or otherwise reimburse a customer any portion of the ten (10) cent charge required).
- **January 1, 2014** - The smaller grocers, food markets, liquor stores, convenience stores, drug stores, pharmacies and vendors at City sponsored events, City facilities or City property must be in compliance.

Any store operating within the jurisdiction of the City of Glendale that falls under any of the above mentioned categories is required to achieve and sustain compliance with the "Plastic Carryout Bag Ban Ordinance" by the date noted. We have enclosed a copy of the ordinance, a list of Frequently Asked Questions ("FAQ") and a brochure as your reference guide. As a store operator, you will be responsible to implement a store-specific plan from within each of the following key categories:

- Training/Education of Store Personnel
- Public Education/Awareness
- Incentives to Reduce Single-Use Bag Consumption

Furthermore, you are required to keep records for the following information:


- A summary of any efforts undertaken by the store to promote the use of reusable bags by customers in a given year.
- The total number of recyclable paper carryout bags provided (including those provided free of charge to WIC/SNAP customers).
- The total amount of monies collected for providing recyclable paper carryout bags.

*\*\*Please note that such records must be made available for the City to review at any time.*

Staff will provide you additional brochures and storefront posters upon request to assist you in your public education and awareness efforts to promote reusable bags. For additional details, please visit the Public Works Department website at [www.glendalepublicworks.com](http://www.glendalepublicworks.com). Should you need further assistance or for any questions, please contact Alina Morshidian, at the City of Glendale Public Works Department at (818) 548-3900.

We thank you in advance for your efforts to comply with the City of Glendale's Plastic Carryout Bag Ban Ordinance. Your environmental stewardship will be instrumental in City of Glendale's efforts to successfully achieve conservation and recycling goals and the opportunity to improve the quality of life for the residents of City of Glendale.

Sincerely,

  
Stephen M. Zurn  
Director of Public Works





## **PLASTIC CARRYOUT BAG BAN ORDINANCE**

### **FREQUENTLY ASKED QUESTIONS**

#### **GENERAL INFORMATION**

In January 2013, the City of Glendale adopted an ordinance banning the issuance of plastic carryout bags and imposing a ten (10) cent charge on the issuance of recyclable paper carryout bags at supermarkets, grocery stores, convenience food stores, food marts, liquor stores, drug stores, pharmacies, farmer's markets, City sponsored events, events at City facilities, and any event held on City property.

#### **When does the ban begin?**

- **July 1, 2013** - Plastic carryout bags will no longer be available at farmer's markets, larger grocers and food marts with gross annual sales of \$2,000,000 or more and stores of at least 10,000 square feet of retail space that have a licensed pharmacy. Shoppers are encouraged to bring reusable bags, or they will be charged ten (10) cents for each recyclable paper carryout bag.
- **January 1, 2014** - The smaller grocers, food markets, liquor stores, convenience stores, drug stores, pharmacies and vendors at City sponsored events, City facilities or City property must be in compliance.

#### **RETAILERS**

##### **What stores must comply with the bag ban ordinance?**

Retail establishments located within the boundaries of the City of Glendale that fall into any of the following categories:

- **Supermarket** - A full-line, self-service retail store with gross annual sales of two million dollars (\$2,000,000) or more, that sells a line of dry grocery, canned goods, or nonfood items and some perishable items.
- **Large Retail Store with a Pharmacy** - A store of at least 10,000 square feet of retail space that generates sales or use tax pursuant to the Bradley-Burns Uniform Local Sales and Use Tax Law (Part 1.5 (commencing with Section 7200) of Division 2 of the Revenue and Taxation Code) and that has a pharmacy licensed pursuant to Chapter 9 (commencing with Section 4000) of Division 2 of the Business and Professions Code.
- **Grocery store, convenience store, food mart, or pharmacy.**
- **Other Retail Store** - Engaged in the retail sale of a limited line of goods that includes milk, bread, soda, and snack foods, including those stores with a Type 20 or 21 license issued by the Department of Alcoholic Beverage Control.

##### **How does a store comply with the bag ban ordinance?**

- Stop distribution of all plastic carryout bags at the point of sale.  
**\*\*Note:** lightweight plastic produce or product bags without handles used exclusively to carry produce, meats, or other food items to the point of sale inside a store or to prevent such food items from coming into direct contact with other purchased items are exempt.



- Make available to customers **recyclable paper carryout bags** or **reusable carryout bags**.
- Charge ten (10) cents for each recyclable paper carryout bags provided to a customer for the purpose of carrying purchased goods away from the store. (No store shall rebate or otherwise reimburse a customer any portion of the ten (10) cent charge required).

**\*\*Note:** Customers participating either in the California Special Supplemental Food Program for Women, Infants, and Children or the Supplemental Nutrition Assistance Program ("WIC" or "SNAP") are exempt from paying the ten (10) cent charge for recyclable paper carryout bags. Stores authorized to accept WIC or SNAP purchase payments are required to provide these customers with a reusable bag or recyclable paper carryout bags or both (at the store's option) free of charge.

- Indicate on the customer receipt the number of recyclable paper carryout bags provided and the total amount charged for the bags.

#### **Keep records of the following information:**

- The total number of recyclable paper carryout bags provided (including those provided free of charge to WIC/SNAP customers).
- The total amount of monies collected for providing recyclable paper carryout bags.
- A summary of any efforts undertaken by the store to promote the use of reusable bags by customers in a given year.
- Such records must be made available for the City to review at any time.

#### **Are Biodegradable plastic bags allowed?**

- No. Any bag made predominantly of plastic derived from *either* petroleum *or* a biologically-based source, such as corn or other plant sources, including compostable and biodegradable bags which is provided to a customer at the point of sale is prohibited.

#### **What are the standards for recyclable paper carryout bags?**

Paper bag that meets **all** of the following requirements:

- Contains no old growth fiber;
- One hundred percent (100%) recyclable overall and contains a minimum of forty percent (40%) postconsumer recycled material;
- Capable of composting, consistent with the timeline and specifications of the American Society of Testing and Materials (ASTM) Standard D6400;
- Accepted for recycling in curbside programs in the City;
- Printed on the bag the name of the manufacturer, the location (country) where the bag was manufactured, and the percentage of postconsumer recycled material used;
- Displays the word "Recyclable" in a highly visible manner on the outside of the bag.

#### **What are the standards for reusable bags?**

A "reusable bag" means a bag with handles that is specifically designed and manufactured for multiple reuse and meets **all** of the following requirements:

- Minimum lifetime of 125 uses, which means it has the capability of carrying a minimum of 22 pounds 125 times over a distance of at least 175 feet;
- Minimum volume of 15 liters;
- Machine washable or is made from material that can be cleaned or disinfected;

- Does not contain lead, cadmium, or any other heavy metal in toxic amounts;
- Printed on the bag, or on a tag that is permanently affixed to the bag, the name of the manufacturer, the location (country) where the bag was manufactured, a statement that the bag does not contain lead, cadmium, or any other heavy metal in toxic amounts, and the percentage of postconsumer recycled material used, if any; and
- If made of plastic, is a minimum of at least 2.25 mils thick (as long as the minimum lifespan of the bags is 125 uses as noted above).

### **FARMER'S MARKETS**

Vendors participating at local Farmer's Market are prohibited from providing a plastic carryout bag to any customer, beginning **July 1, 2013**.

#### **Are vendors at Farmer's Market required to charge ten (10) cents for recyclable paper carryout bags?**

- No. Recyclable paper carryout bags may be distributed to customers free of charge at Farmer's Markets.

### **VENDORS AT CITY EVENTS**

No person or store shall distribute plastic carryout bags at any City facility, any event held on City property, or at any City sponsored event. All vendors must adhere to this regulation by **January 1, 2014**.

#### **Are vendors at City events required to charge ten (10) cents for recyclable paper carryout bags?**

- No. Recyclable paper carryout bags may be distributed to customers free of charge at any City facility, any event held on City property, or at any City sponsored event.

### **RESIDENTS**

#### **Where can residents purchase discounted reusable bags?**

- "Glendale Recycles" reusable bags are available to purchase at the Public Works Administration Office located at 633 E. Broadway, Room 209; or at Ginger Bremberg Integrated Waste Management Facility located at 548 W. Chevy Chase Drive in Glendale. Individuals may purchase up to 10 bags maximum per person for **50 cents each**.

#### **What if customers do not want to buy/bring a reusable bag or purchase a recyclable paper carryout bag?**

- The ordinance does not prohibit customers from using bags of any type that they bring to the store themselves or from carrying away goods that are not placed in a bag, in lieu of using bags provided by the store.
- If they can comfortably carry their paid purchases out by hand, that is one option; or their goods can be placed into the shopping cart or basket for transporting to their vehicles; where they can be unloaded.

#### **Does the ten (10) cent charge per recyclable paper carryout bags apply to everyone?**

- Customers participating either in the California Special Supplemental Food Program for Women, Infants, and Children or the Supplemental Nutrition Assistance Program ("WIC" or "SNAP") are exempt from paying the ten (10) cent charge for recyclable paper carryout bags. Stores authorized to accept WIC or SNAP purchase payments are



required to provide these customers with a reusable bag or recyclable paper carryout bags or both (at the store's option) free of charge.

**Is the ten (10) cent charge per recyclable paper carryout bag taxable?**

- No. The State Board of Equalization indicates that the ten (10) cent charge on recyclable paper carryout bags would not be subject to sales tax.

**What is the ten (10) cent charge used for?**

All monies collected by a store will be retained by the store and may be used only for any of the following purposes:

- Costs associated with complying with the requirements of the ordinance;
- Actual costs of providing recyclable paper carryout bags; or
- Costs associated with a store's educational materials or education campaign encouraging the use of reusable bags, if any.

**Will there be a charge for small sized paper bags distributed at checkout, typically provided by small stores to their customers?**

- Yes. Any and each recyclable paper carryout bag provided at checkout to a customer is subject to ten (10) cent charge.

**Are prescription bags subject to the ten (10) cent charge?**

- According to the California Pharmacy Board, pharmacies are required to keep medical information confidential. Since many pharmacies use opaque bag for this purpose, only carryout bags used for prescription drugs would be exempt.

**Are reusable bags recyclable? Where can a customer bring them to be recycled?**

- Depending on the material, it may be recyclable. Visit [Earth911.com](http://Earth911.com) for more information.

**Are restaurants and other food service providers affected by this ordinance?**

- No. The ordinance does not apply to restaurants and other food providers, including fast food establishments that provide plastic carryout bags to customers for prepared take-out food intended for off-premises consumption. They are exempt from reusable bag requirements for reasons associated with potential risk of cross-contamination and foodborne illness and the potential spillage of hot food and liquids, which can leak through a recyclable bag.

**ENFORCEMENT**

Enforcement of the ordinance will be undertaken by the Public Works Department. Staff will respond to complaints or alleged violations by conducting an inspection. Stores that fail to comply with the ordinance will initially be given a written warning notice. Then a fine not exceeding \$100 will be given for the first violation, \$200 for the second violation within one year, and \$500 for each additional violation within one year.

**CONTACT**

**Who do I contact if I need more information?**

- For more information, or if you have any questions contact Alina Morshidian at Public Works Department at (818) 548-3900 or [amorshidian@ci.glendale.ca.us](mailto:amorshidian@ci.glendale.ca.us).

ORDINANCE NO. 5790

AN ORDINANCE OF THE COUNCIL OF THE CITY OF GLENDALE  
ADDING CHAPTER 5.74 TO THE  
GLENDALE MUNICIPAL CODE, 1995, RELATING TO  
THE USE OF PLASTIC CARRYOUT BAGS AND PROMOTING THE USE OF  
REUSABLE BAGS.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF GLENDALE:

**SECTION 1.** Chapter 5.74 is hereby added to the Glendale Municipal Code, 1995, to read as follows:

**5.74.010 Definitions.**

For purposes of this chapter, the following definitions shall apply:

- A. "Customer" means any person purchasing goods from a store.
- B. "Operator" means the person in control of, or having the responsibility for, the operation of a store, which may include, but is not limited to, the owner of the store.
- C. "Person" means any natural person, firm, corporation, partnership, or other organization or group however organized.
- D. "City Sponsored Event" means any event organized or sponsored by the City of Glendale or any Department of the City of Glendale.
- E. "Farmer's Market" means a market where farmers who grow produce sell their fruits and vegetables directly to the public.
- F. "Plastic carryout bag" means any bag made predominantly of plastic derived from either petroleum or a biologically-based source, such as corn or other plant sources, which is provided to a customer at the point of sale. "Plastic carryout bag" includes compostable and biodegradable bags but does not include reusable bags, produce bags, or product bags.
- G. "Postconsumer recycled material" means a material that would otherwise be destined for solid waste disposal, having completed its intended end use and product life cycle. "Postconsumer recycled material" does not include materials and by-products generated from, and commonly reused within, an original manufacturing and fabrication process.
- H. "Produce bag" or "product bag" means any bag without handles used exclusively to carry produce, meats, or other food items to the point of sale inside a store or to prevent such food items from coming into direct contact with other purchased items.
- I. "Recyclable" means material that can be sorted, cleansed, and reconstituted using available recycling collection programs for the purpose of using the altered form in the manufacture of a new product. "Recycling" does not include burning, incinerating, converting, or otherwise thermally destroying solid waste.



J. "Recyclable paper carryout bag" means a paper bag that meets all of the following requirements: (1) contains no old growth fiber; (2) is one hundred percent (100%) recyclable overall and contains a minimum of forty percent (40%) postconsumer recycled material; (3) is capable of composting, consistent with the timeline and specifications of the American Society of Testing and Materials (ASTM) Standard D6400; (4) is accepted for recycling in curbside programs in the City; (5) has printed on the bag the name of the manufacturer, the location (country) where the bag was manufactured, and the percentage of postconsumer recycled material used; and (6) displays the word "Recyclable" in a highly visible manner on the outside of the bag.

K. "Reusable bag" means a bag with handles that is specifically designed and manufactured for multiple reuse and meets all of the following requirements: (1) has a minimum lifetime of 125 uses, which for purposes of this subsection, means the capability of carrying a minimum of 22 pounds 125 times over a distance of at least 175 feet; (2) has a minimum volume of 15 liters; (3) is machine washable or is made from material that can be cleaned or disinfected; (4) does not contain lead, cadmium, or any other heavy metal in toxic amounts; (5) has printed on the bag, or on a tag that is permanently affixed to the bag, the name of the manufacturer, the location (country) where the bag was manufactured, a statement that the bag does not contain lead, cadmium, or any other heavy metal in toxic amounts, and the percentage of postconsumer recycled material used, if any; and (6) if made of plastic, is a minimum of at least 2.25 mils thick.

L. "Store" means any of the following retail establishments located within the City:

- (1) A full-line, self-service retail store with gross annual sales of two million dollars (\$2,000,000) or more, that sells a line of dry grocery, canned goods, or nonfood items and some perishable items;
- (2) A store of at least 10,000 square feet of retail space that generates sales or use tax pursuant to the Bradley-Burns Uniform Local Sales and Use Tax Law (Part 1.5 (commencing with Section 7200) of Division 2 of the Revenue and Taxation Code) and that has a pharmacy licensed pursuant to Chapter 9 (commencing with Section 4000) of Division 2 of the Business and Professions Code; or
- (3) A drug store, pharmacy, supermarket, grocery store, convenience food store, food mart, or other entity engaged in the retail sale of a limited line of goods that includes milk, bread, soda, and snack foods, including those stores with a Type 20 or 21 license issued by the Department of Alcoholic Beverage Control.

**5.74.020 Plastic carryout bags prohibited.**

A. No store shall provide to any customer a plastic carryout bag.

B. No Farmer's Market shall provide to any customer a plastic carryout bag.

C. This prohibition applies to bags provided for the purpose of carrying away goods from the point of sale and does not apply to produce bags or product bags.

D. No person or store shall distribute plastic carryout bags at any City facility, any event held on City property, or at any City sponsored event.

**5.74.030 Permitted bags.**

All stores shall provide or make available to a customer only recyclable paper carryout bags or reusable bags for the purpose of carrying away goods or other materials from the point of sale, subject to the terms of this Chapter. Nothing in this Chapter prohibits customers from using bags of any type that they bring to the store themselves or from carrying away goods that are not placed in a bag, in lieu of using bags provided by the store.

**5.74.040 Regulation of recyclable paper carryout bags.**

A. Any store that provides a recyclable paper carryout bag to a customer must charge the customer 10 cents (\$0.10) for each bag provided, except as otherwise provided in this Chapter.

B. No store shall rebate or otherwise reimburse a customer any portion of the 10 cent (\$0.10) charge required in Subsection A, except as otherwise provided in this Chapter.

C. All stores must indicate on the customer receipt the number of recyclable paper carryout bags provided and the total amount charged for the bags.

D. All monies collected by a store under this Chapter will be retained by the store and may be used only for any of the following purposes: (1) costs associated with complying with the requirements of this Chapter, (2) actual costs of providing recyclable paper carryout bags, or (3) costs associated with a store's educational materials or education campaign encouraging the use of reusable bags, if any.

E. All stores must keep records of the total number of recyclable paper carryout bags provided, the total amount of monies collected for providing recyclable paper carryout bags, and a summary of any efforts a store has undertaken to promote the use of reusable bags by customers in the prior year. Such records must be made available for the City to review at any time.

F. If the reporting required in Subsection E is not timely submitted by a store, such store shall be subject to the fines set forth in Section 5.74.080.

**5.74.050 Use of reusable bags.**

A. All stores must provide reusable bags to customers, either for sale or at no charge.

B. Each store is strongly encouraged to educate its staff to promote reusable bags and to post signs encouraging customers to use reusable bags.



**5.74.060 Exemptions.**

- A. Recyclable paper carryout bags may be distributed to customers free of charge at Farmer's Markets.
- B. Recyclable paper carryout bags may be distributed to customers free of charge at any City facility, any event held on City property, or at any City sponsored event.
- C. All stores must provide at the point of sale, free of charge, either reusable bags or recyclable paper carryout bags or both, at the store's option, to any customer participating either in the California Special Supplemental Food Program for Women, Infants, and Children pursuant to Article 2 (commencing with Section 123275) of Chapter 1 of Part 2 of Division 106 of the Health and Safety Code or in the Supplemental Food Program pursuant to Chapter 10 (commencing with Section 15500) of Part 3 of Division 9 of the Welfare and Institutions Code.
- D. All stores required to provide plastic carryout bags as a condition of use or as required to abate a nuisance, whether such condition is imposed by the City, a court of law, and/or any other regulatory entity, shall not be in violation of this Chapter during the time such condition is in effect.

**5.74.070 Operative date.**

This Chapter shall become operative on **July 1, 2013** for Farmer's Markets and stores defined in Subsections L(1) and L(2) of Section 5.74.010. For stores defined in Subsection L(3) of Section 5.74.010, this Chapter shall become operative on **January 1, 2014**.

**5.74.080 Enforcement and violation-penalty.**

- A. It shall be unlawful for any person to violate the provisions of this Chapter. A violation of this Chapter shall be deemed an infraction punishable as set forth in section 1.20.010 of this Code. The Director of Public Works or his/her designee has primary responsibility for enforcement of this Chapter.
- B. All fines collected pursuant to this Chapter shall be deposited in the Refuse Fund to assist the City with its costs of implementing and enforcing the requirements of this Chapter.

**5.74.090 Severability.**

If any section, subsection, sentence, clause, or phrase of this Ordinance, or its application to any person or circumstance, is for any reason held to be invalid or unenforceable, such invalidity or unenforceability shall not affect the validity or enforceability of the remaining portions of this Ordinance, or its application to any other persons or circumstance. The City Council of the City of Glendale hereby declares that it would have adopted this Ordinance and each and every section, subsection, sentence, clause, or phrase not declared invalid or unconstitutional without regard to whether any portion of this Ordinance would be subsequently declared invalid.

**5.74.100 No conflict with federal or state law.**


Nothing in this Ordinance is intended to create any requirement, power or duty that is in conflict with any federal or state law.

**SECTION 2.** If any portion of this ordinance or the application thereof to any person or circumstance shall be invalid or unenforceable to any extent, the remainder of this ordinance shall not be affected thereby and shall be enforced to the greatest extent permitted by law.


**SECTION 3.** This Ordinance shall become effective thirty days from the date of its adoption.

Adopted by the Council of the City of Glendale on the 22nd day of January

2013.

  
Mayor

ATTEST:

  
City Clerk

STATE OF CALIFORNIA            )  
COUNTY OF LOS ANGELES    )

SS.

I, Ardashes Kassakhian, City Clerk of the City of Glendale, hereby certify that the foregoing Ordinance No. 5790 was adopted by the Council of the City of Glendale, California, at a regular meeting held on the 22nd day of January, 2013, and that the same was adopted by the following vote:

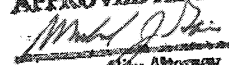
Ayes: Friedman, Manoukian, Najarian, Weaver, Quintero

Noes: None

Absent: None

Abstain: None

  
City Clerk

APPROVED AS TO FORM  
  
City Attorney  
DATE \_\_\_\_\_